

REMARKS

Claims 1-9 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the remarks contained herein.

INFORMATION DISCLOSURE STATEMENT

This is a national phase application of the PCT application. Consequently, Applicants believe that the file includes legible copies of the items listed in the PCT search report. The items identified in the prior-filed Information Disclosure Statement indicated as not being considered by the Examiner were only items on this PCT search report. Accordingly, Applicants are not required to provide copies in this National Phase application. See MPEP 1893.03(g). Nevertheless, Applicants have filed a Supplemental Information Disclosure Statement herewith including legible copies of each of these cited documents along with several additional references. Applicants respectfully request that the Examiner please indicate that each of the references indicated on the 1449 Form of this Supplemental Information Disclosure Statement have been considered.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-4 and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kirikae (US 4,209,919). Claims 5-7 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kirikae in view of Swaelens (US 4,209,919). These rejections are respectfully traversed.

Each of independent Claims 1 and 5 recite “a thin bone part having a thickness of not more than 0.1 mm.” Applicants understand that these rejections acknowledge that the identified prior art does not disclose this feature. This rejection simply makes the bald assertion that these independent claims are obvious because “it is not inventive to discover optimum or workable ranges by routine experimentation.” First, this rejection fails to provide any information whatsoever about what one skilled in the art might be attempting to optimize or make workable the model disclosed in Kirikae. Certainly, Kirikae discloses a model that the inventors believed was workable and optimal. Applicants respectfully assert that this rejection is improper absent an explanation as to the *reason* one skilled in the art might be optimizing or making the Kirikae model workable. In other words, ***optimum or workable for what purpose or to what end?***

Second, this rejection fails to provide any information whatsoever to justify an assertion that the result of one skilled in the art attempting to optimize or make workable the disclosed model of Kirikae (for whatever reason) would result in “a thin bone part having a thickness of not more than 0.1 mm” as recited in independent Claims 1 and 5. Such a thin bone part would result from such an attempt to optimize or make the Kirikae model workable. Applicants respectfully assert that this rejection is improper absent an explanation as to the reason such optimizing or making the Kirikae model workable ***would result*** in a thin bone part having the claimed thickness. In other words, ***why would such activity result in “a thin bone part having a thickness of not more than 0.1 mm?”***

Third, this rejection fails to provide any information whatsoever to justify an assertion that all of this activity is simple routine experimentation. This rejection even fails to identify the ***level of ordinary skill*** in the art upon which these assertions are based. Without this foundation, it is impossible for Applicants to understand why these rejections assert that the various activities involved in creating “a thin bone part having a thickness of not more than 0.1 mm” is no ***more than routine experimentation***. Applicant respectfully assert that this rejection is improper absent an explanation as to the applicable level of ordinary skill and why and how a person of ***this skill level*** would and could perform all experimentation necessary to create “a thin bone part having a thickness of not more than 0.1 mm” without performing any activity that goes ***beyond routine experimentation***.

Last, this missing explanation must not rely on hindsight, or upon information found only in the instant application. Based upon the limited information provided, it appears these rejections have impermissibly relied upon hindsight. Accordingly, Applicants believe these rejections are not proper or properly supported.

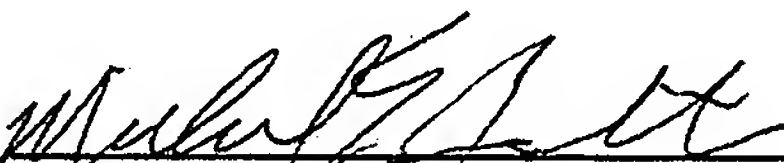
Accordingly, Applicants respectfully believe that the inventions as recited in independent Claims 1 and 5 are not disclosed or suggested by Kirikae or Swaelens, either singly or in combination. Since each of the remaining claims depends from one of independent Claims 1 or 5, Applicants respectfully believes that they are likewise patentable for at least the reasons discussed above.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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